

**SUBJECT: Confidentiality Requirements As It Relates to Grantees, Administrators,
and Recipients
Policy Bulletin #12**

EFFECTIVE DATE: June 1, 1997

Applicant and recipient confidentiality has been an ongoing concern with the Michigan State Housing Development Authority (MSHDA) as it relates to Office of Community Development (OCD) grantees and administrators. In general, there seems to be no good rationale for publicizing or making known specific applicant and/or recipient information to the general public. However, the Michigan Freedom of Information Act (FOIA - MCLA 15.231 et. seq.) provides, among other things, that a person has a right to inspect, copy, or receive copies of the following information held by a locality relative to OCD funds (federal or state):

- C Recipients' names
- C Recipients' addresses
- C The level of OCD assistance provided

As the above stated information can be made public upon a written or oral request, the locality has responsibility for informing all applicants of this when they apply for assistance.

A community normally has five (5) business days in which to respond to a request (whether the request is written or oral). Failure to respond constitutes a denial of the request. A written notice denying the request must indicate why the request is being denied. If a request is denied, the requesting party may sue in Circuit Court to obtain the information. If the party prevails, he/she may also be awarded actual attorney fees, any damages actually sustained, and up to \$500 exemplary damages.

Section 13 of the Freedom of Information Act provides that certain material is exempt from disclosure. The exemption that we are most likely to encounter is for information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of the individual's privacy.

In no case would it ever be appropriate to release:

- C A recipient's source or amount of income
- C Any credit-related information

Should you have any questions regarding the above policy, contact your Community Development (CD) Specialist or CD staff at (517) 373-1974.